

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 9, 2002

ALL COUNTY LETTER NO. 02 – 36

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY CAL-LEARN PROGRAM COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: CHANGES TO THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM TO ALLOW PARENTS TO RECEIVE CalWORKs SERVICES WHEN THEIR CHILD IS RECEIVING OUT-OF-HOME CARE

REFERENCE: WELFARE & INSTITUTIONS CODE SECTION 11203 AND AB 429, CHAPTER 111, STATUTES OF 2001

The purpose of this letter is to inform counties of changes required by the passage of Assembly Bill 429, (Chapter 111, Statutes of 2001). This bill provides for the continuation of CalWORKs services, under specified circumstances, when a child has been removed from the home and is receiving out-of-home care. CalWORKs services include welfare-to-work (WTW) activities, including mental health and substance abuse treatment or any other activities allowable under CalWORKs, including supportive services. As provided under AB 429, the following provisions are implemented through this All County Letter. Follow-up emergency regulations will be issued to be effective July 1, 2002. For purposes of this letter, these families will be known as CalWORKs reunification families, CalWORKs reunification parents and CalWORKs reunification cases.

SUMMARY

Any biological or adoptive parent whose eligible child or children has been removed from the home and placed in out-of-home care is eligible to continue to receive a CalWORKs grant and services for up to a full calendar month of what is anticipated to be a temporary absence as provided by Manual of Policies and Procedures (MPP) Section 82-812.5. CalWORKs reunification parents may be entitled to receive CalWORKs services only after the initial month if the county determines the services are necessary for family reunification and the parent has a family reunification plan.

CalWORKs services may be provided for up to 180 days from the date of the child's or children's absence from the CalWORKs assistance unit (AU). Additionally, funding for these services may be extended for good cause. During this reunification time period, monthly reporting requirements for CalWORKs will be suspended.

Instead, a six-month eligibility redetermination will be completed if the parent receives CalWORKs services for more than 180 days as the result of a good cause extension. Monthly reporting will be required for food stamps monthly reporting households.

The court may not make a decision on whether to order family reunification for some time after the children have been removed from the home. If the case meets all of the eligibility criteria listed below, the county shall not discontinue the CalWORKs case until the court makes its decision on family reunification. If the court decides not to order a reunification plan (Welfare & Institutions Code Section 361.5) and the child will not be returned home, the CalWORKs case will be discontinued at that time, in accordance with MPP Section 82-804.

ELIGIBILITY FOR CONTINUATION OF CalWORKs SERVICES

In order to continue to receive CalWORKs services, provided they are otherwise eligible, the parent or parents must meet all of the following conditions:

- The child has been removed from the parent and placed in out-of-home care. (For these cases, out-of-home care is defined as a temporary care situation and one that requires a reunification plan). This does not include cases where the child was removed but the worker does not recommend family reunification services, pursuant to WIC 361.5(b).
- The AU was receiving CalWORKs assistance when the child was removed.
- The county has determined that the provision of CalWORKs services is necessary for family reunification.

Under the CalWORKs Program, a parent is defined in MPP Section 80-301(p)(1).

In cases where not all children are removed from the home, the parents and children remaining in the home may also become CalWORKs reunification cases, when they receive a court-ordered reunification plan for the child who was removed. This reunification plan may be necessary in order to provide CalWORKs services when the remaining AU members have income that results in financial ineligibility for a CalWORKs cash grant due to the reduction in the AU's maximum aid payment (MAP) when a child is removed. In these CalWORKs reunification cases, if determined necessary, childcare services are also available for the children remaining in the home.

If, however, the remaining family members continue to be financially eligible for a CalWORKs cash grant, they are not considered CalWORKs reunification families. They will continue to receive their CalWORKs grant and services and will continue to be subject to all CalWORKs eligibility and WTW requirements.

CalWORKs Cash Aid

Although CalWORKs reunification parents shall remain eligible for CalWORKs services, they will no longer receive a cash grant in cases where all children have been removed from the home or the remaining AU members become income ineligible for a cash grant. Following removal of the child or children, the family's cash grant will stop the month following appropriate notification pursuant to MPP Section 22-072.1. Additionally, these CalWORKs reunification parents will not be eligible for special needs, including recurring and nonrecurring special needs, such as homeless assistance, because these payments are considered cash assistance.

Medi-Cal

To the extent that the child's absence from the home is considered to be temporary, in accordance with current Medi-Cal policy, that child is considered to be temporarily absent from the home. The parent thus maintains any linkage to the Medi-Cal program that existed prior to the child's temporary absence.

Food Stamps

CalWORKs reunification parents will continue to be considered Public Assistance/Food Stamps (PAFS) cases.

REPORTING AND REDETERMINATION REQUIREMENTS

Monthly Reporting

The CalWORKs reunification parent will no longer be required to submit a monthly report (CW 7) for CalWORKs. However, a monthly report will be required for CalWORKs reunification families that continue to receive food stamps as long as monthly reporting is required for those households. If a change is reported for food stamps, the county will act on the change and redetermine eligibility for continuing CalWORKs services.

The Food Stamp Program is seeking a waiver to monthly reporting for food stamp cases. In the meantime, these CalWORKs reunification cases will continue to report monthly for food stamps.

Six-Month Eligibility Redetermination

Although these CalWORKs reunification parents will not be providing a monthly eligibility report (CW 7), an eligibility redetermination, pursuant to MPP Section 40 181.2, will be made at six-month intervals in coordination with the county review of the reunification plan. Also, if a CalWORKs reunification family is reunified before or after the 180-day period, an eligibility redetermination will be required in order to reopen the CalWORKs case and issue cash benefits.

The following calculation shall be used to determine income eligibility, in the context of no cash aid payment, at the six-month redetermination:

- Determine the AU's Net Nonexempt Income (NNI) after applying all appropriate disregards.
- Compare the NNI to the MAP for a family size that includes the otherwise eligible parent(s), any remaining children, if applicable, and each child who has been placed in out-of-home care and considered temporarily absent.
- If the NNI does not exceed the MAP, the AU would remain eligible.

Example

Recipient (and two children placed in out of home care) works full time earning \$775 per month. No other income. Parent resides in Region 1.

Sample Calculation:

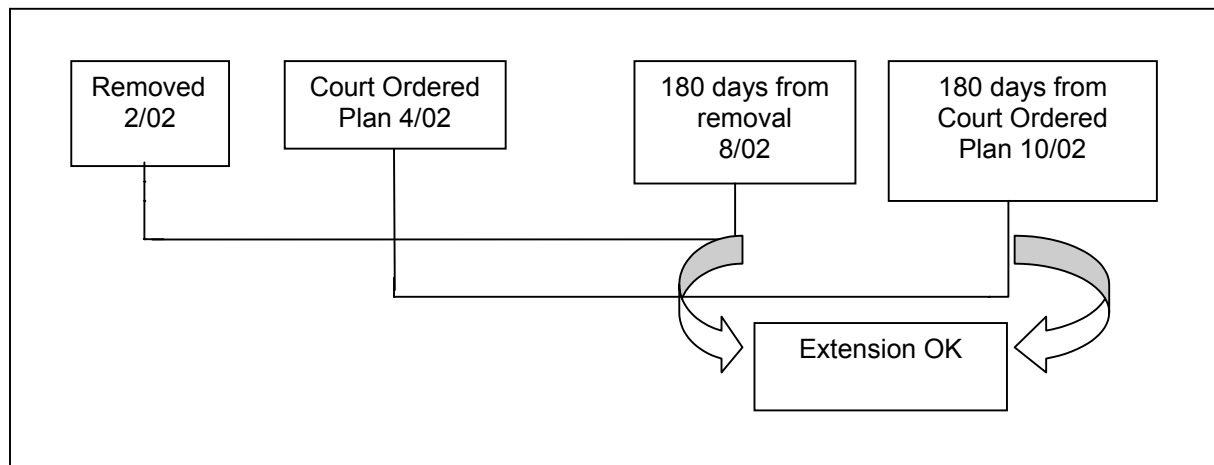
\$775	Earned Income
<u>-225</u>	Income Disregard
\$550	Earned Income
<u>-275</u>	50% Earned Income Disregard
\$275	Total Net Nonexempt Income (NNI)
\$645	Nonexempt MAP for 3, Region 1
\$275	NNI

Compare Nonexempt MAP for 3, Region 1 of \$645 to NNI of \$275. Since the NNI does not exceed the MAP, the AU remains eligible for CalWORKs services.

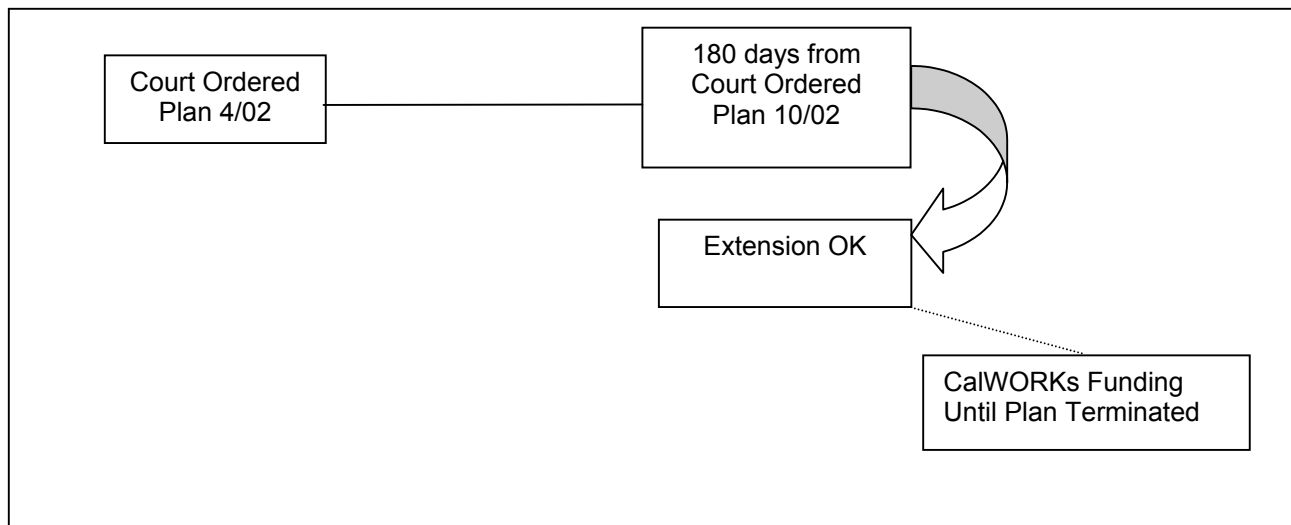
GOOD CAUSE EXTENSIONS TO THE 180-DAY PERIOD

AB 429 allows for continued CalWORKs services during a 180-day period. A county may grant a good cause extension for two situations.

- First, the good cause extension is for the number of days between the date of removal and the court ordered-reunification plan. For example, when the court – ordered six-month reunification plan begins some time after the child's removal and the plan will then extend beyond the initial 180 days of removal, an extension can be granted, as illustrated below.



- Second, a good cause extension may also be granted when the county determines that additional time is necessary to complete the court-ordered reunification plan, plus any days extended before the original plan was in place, for as long as the family reunification plan remains in place pursuant to WIC 361.5(a)(3). (See below).



CASE MANAGEMENT AND DETERMINING IF CalWORKs SERVICES ARE NECESSARY

Child Welfare Services (CWS) staff will process CalWORKs reunification cases in accordance with revised statutes and regulations. If the child's parent is a CalWORKs recipient, the CWS social worker must consider whether the provision or continuation of CalWORKs services to the parent is appropriate or necessary for purposes of family reunification and will document these findings in the child's CWS record.

AB 429 requires counties to determine if the provision of CalWORKs services is necessary for family reunification. To accomplish the intent of this provision, counties are encouraged to establish a collaborative case management process that includes CWS and CalWORKs WTW and Eligibility staff to facilitate 1) the process of determining if CalWORKs services are necessary for family reunification, and 2) the coordination of CalWORKs services with other services needed for family reunification.

The county may elect to utilize the court approved family reunification plan as the parent's WTW plan. However, the county also has the option to develop or amend a parent's WTW plan and to include all or part of the WTW activity requirements in the CWS family reunification plan. When the county elects to include elements of the parent's WTW plan in the family reunification plan, it is recommended that:

- The CWS social worker consult with the WTW case manager, who will review the WTW plan with the parent and identify the plan components and services that are appropriate to incorporate into the family reunification plan.
- The WTW case manager provide the CWS social worker with a copy of the WTW plan and plan amendments, monitor the parent(s) participation in WTW activities, and provide CWS with progress reports needed to document the parent's compliance with the WTW components of the reunification case plan.
- The CWS social worker communicate with the WTW case manager and notify the WTW case manager of any relevant change affecting a parent's ability to participate in the WTW program and/or reunification plan services.

CalWORKs WTW SANCTIONS, WORK PARTICIPATION REQUIREMENTS, AND EXEMPTIONS

WTW Sanctions

Individuals who have received a WTW sanction, including a second or third instance sanction, are not precluded from receiving CalWORKs services for purposes of family reunification, and may participate immediately regardless of the time remaining in the sanction period. Participation also counts toward any required sanction period since an individual is not receiving a cash grant while receiving CalWORKs services under a family reunification plan. Individuals that fail to participate in WTW activities or any other activities required under the family reunification plan are not subject to the WTW noncompliance or sanctioning process. The county will continue to offer/provide CalWORKs services that are part of an individual's family reunification plan until the family reunification plan is terminated by CWS.

WTW Good Cause Exemptions

The provision of CalWORKs services as outlined above does not preclude the provision of other child welfare services that individuals may be required to participate in as a requirement of family reunification. If participation in activities required under the family reunification plan interferes with an individual's ability to comply with the WTW hours of participation requirement, the parent shall be granted good cause for not participating in her/his WTW activities pursuant to MPP Section 42-713.1.

Individuals Exempt From WTW Participation Requirements

Individuals who are exempt from WTW participation requirements pursuant to MPP Section 42-712, may elect to volunteer to participate in WTW activities in accordance with MPP Section 42-712.5.

TIME LIMITS

CalWORKs 18-24- and CalWORKs 60- Month Time Limits

The parent's receipt of CalWORKs services and/or participation in WTW activities will count toward her/his 18- or 24-month time limit. As these parents will not receive a cash aid payment, the months in which only CalWORKs services and supportive services are provided will not count toward the CalWORKs 60-month time limit.

TANF 60-Month Time Limit

Supportive services that are provided by Temporary Assistance for Needy Families (TANF) funds to an unemployed parent are considered "assistance," and the months in which the services are provided would count toward the federal TANF 60-month time limit. Supportive services for employed parents are not "assistance" and therefore do not count against the federal TANF 60-month time limit. Also, a service/payment, such as a rent subsidy, that is intended to meet recurrent and ongoing needs and provides for needs that extend for more than four months is considered "assistance," whether or not the parent is employed. Therefore, any month in which that type of service/payment is provided would count toward the federal TANF 60-month time limit. If such a service/payment provides for needs for a period that is four or less months, it is not considered "assistance" and would not count toward the federal TANF 60-month limit.

Counties are reminded that state-only funded programs for CalWORKs are programs that are not funded with federal funds. Individuals in the CalWORKs state-only funded programs, (including the Separate State Program for Two-Parent Families and the Segregated State Program for Legal Immigrants) are not subject to the federal TANF 60-month time limit and will not accrue months toward the federal TANF 60-month time limit.

FISCAL AND REPORTING REQUIREMENTS

If these families have been tracked and services and administrative costs can be identified, the counties may report these costs retroactively. In subsequent communications, you will receive instructions on how to report cases served and related costs. Retroactive payments made from October 1, 2001, until December 31, 2001, will be made using state-only funds; after January 1, 2002, TANF funding is available.

CONTACTS

This letter and temporary absence	Bev Skillicorn CalWORKs Eligibility Bureau (CEB) (916) 654-1068
Eligibility Redetermination	Eden-Marie Eulingborough CalWORKs Eligibility Bureau (CEB) (916) 653-4992
60-Month Time Limits	Charissa Miguelino CalWORKs Eligibility Bureau (CEB) (916) 657-3665
18/24-Month Time Limits	Ellen Horton Employment Bureau (916) 651-6567
Welfare-to-Work Requirements	Randy Shiroy Employment Bureau (916) 654-1527
Work Support Services	Your county's Work Support Analyst Work Support Services Bureau (916) 654-1424
Child Care Services	Your county's Child Care Analyst Child Care Bureau (916) 657-2144
Child Welfare Services	Barbara Edgar Adoptions Policy Bureau (916) 323-0470
Food Stamps	Robert Marlow Food Stamp Bureau (916) 654-1898

Sincerely,

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BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

SYLVIA PIZZINI
Deputy Director
Children & Family Services Division

c: CSAC
CWDA